

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

SBC Technology Resources, Inc.

DEFENDANTSInfange Technologies Corp., Eclipsys Corp. and Resource Bancshares
Mortgage Group, Inc(b) County of Residence of First Listed Plaintiff Travis
(EXCEPT IN U.S. PLAINTIFF CASES)County of Residence of First Listed Defendant New Jersey
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED

(c) Attorney's (Firm Name, Address, and Telephone Number)

Joe Kendall (214) 744-3000
Provost Umphrey
3232 McKinney Ave., Dallas TX 75204

Attorneys (If Known)

303 - CV - 418 - N**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|--------------------------|--------------------------|---|---|--|
| Citizen of This State | <input type="checkbox"/> | <input type="checkbox"/> | 1 | Incorporated or Principal Place of Business In This State | <input checked="" type="checkbox"/> 4 <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> | <input type="checkbox"/> | 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> | <input type="checkbox"/> | 3 | Foreign Nation | <input type="checkbox"/> 6 <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENAL	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input checked="" type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury—Med. Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt Relations <input type="checkbox"/> 730 Labor Reporting <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl Ret Inc Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions

V. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

(Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

Patent case 35 USC 271

VII. REQUESTED IN COMPLAINT:☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23**DEMAND \$**

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

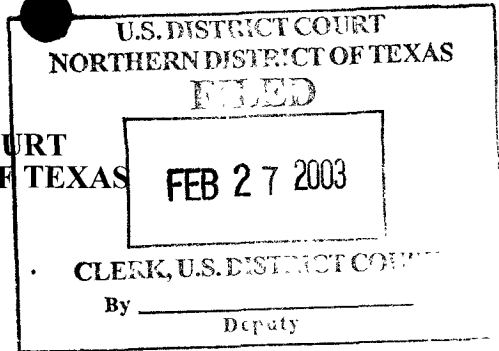
SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG JUDGE _____

ORIGINAL

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS**



**SBC TECHNOLOGY RESOURCES,
INC.,**

Plaintiff,

v.

**INRANGE TECHNOLOGIES CORP.,
ECLIPSYS CORP.: AND
RESOURCE BANCSHARES
MORTGAGE GROUP, INC..**

Defendants.

303 - CV - 418 - N

CIVIL NO. ____ - ____

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiff SBC Technology Resources, Inc. ("SBC") for its Complaint against Defendants INRANGE Technologies Corporation ("INRANGE"), Eclipsys Corporation ("Eclipsys"), and Resource Bancshares Mortgage Group, Inc. ("RBMG") alleges:

THE PARTIES

1. SBC is a corporation duly organized and existing under the laws of the state of Delaware, having a principal place of business at 6500 River Place Boulevard, Austin, Texas 78730. SBC is a provider of telecommunications services in 13 states, including the State of Texas and the Northern District of Texas.

2. INRANGE is a corporation duly organized and existing under the laws of the state of Delaware, and having a principal place of business at 100 Mount Holly By-Pass, Lumberton, New Jersey 08048. INRANGE may be served by serving its registered agent in Texas, C.T. Corporation System, 350 N. St. Paul, Dallas, Texas 75201.

3. Eclipsys is a corporation duly organized and existing under the laws of the state of Delaware, and having a principal place of business at 777 East Atlantic Avenue, Suite 200, Delray Beach, Florida 33483. Eclipsys may be served by serving its registered agent in Florida, C.T. Corporation System, 1200 South Pine Island Road, Plantation, Florida 33324.

4. RBMG, Inc. is a corporation duly organized and existing under the laws of the state of Delaware, having a principal place of business at 9710 Two Notch Road, Columbia, South Carolina 29223. RBMG may be served by serving its registered agent in South Carolina, C.T. Corporation System, 75 Beattie Place, Greenville, South Carolina 29601.

JURISDICTION AND VENUE

5. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States, including 35 U.S.C. § 271 *et seq.*

6. The Court has personal jurisdiction over defendants INRANGE, Eclipsys, and RBMG in that defendants have established minimum contacts with the forum and the exercise of jurisdiction over defendants would not offend traditional notions of fair play and substantial justice.

7. On information and belief, each defendant conducts business within the State of Texas and the Northern District of Texas. INRANGE sells computer and data processing equipment and services in this district. Eclipsys has a place of business at 6330 Commerce Drive, Irving, Texas 75063, and sells software products in this district. RBMG does business in this district, including selling mortgages and other financial products. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b), (c) and 1400(b).

INFRINGEMENT OF U.S. PATENT NO. 5,530,845

8. On June 25, 1996, United States Patent No. 5,530,845 (“the ‘845 patent”) was duly and legally issued for an invention entitled “Storage Control Subsystem Implemented With An Application Program On A Computer.” SBC was assigned the ‘845 patent and SBC continues to hold all rights and interest in the ‘845 patent. A true and correct copy of the ‘845 patent is attached hereto as Exhibit A.

9. Upon information and belief, defendant INRANGE is infringing the ‘845 patent by manufacturing and selling storage area networking equipment, including Fibre Channel directors and switches, for use in storage networks that embody the patented inventions claimed in the ‘845 patent without authority. Defendants Eclipsys and RBMG have infringed and continue to infringe the ‘845 patent through their use of storage area network equipment, including hardware and software, and the practice of the methods claimed in the ‘845 patent. Defendants are liable for infringement of the ‘845 patent pursuant to 35 U.S.C. § 271.

10. The Defendants are actively, intentionally, and/or knowingly inducing or contributing to this infringement of the ‘845 patent by others.

11. Defendants’ acts of infringement have caused damage to SBC, and SBC is entitled to recover from Defendants the damages sustained by SBC as a result of Defendants’ wrongful acts in an amount subject to proof at trial.

PRAYER FOR RELIEF

WHEREFORE, SBC prays for judgment and seeks relief against Defendants as follows:

A. For the judgment that the ‘845 patent has been and continues to be infringed by the Defendants;

- B. For an accounting of all damages sustained by SBC as a result of Defendants' acts of infringement;
- C. For actual damages together with prejudgment interest, according to proof;
- D. For an award of attorney's fees pursuant to 35 U.S.C. § 285 or as otherwise permitted by law;
- E. For all costs of suit; and
- F. For such other and further relief as the Court may deem just and proper.

Dated: February __, 2003

Respectfully submitted,

PROVOST UMPHREY, L.L.P.

By: Joe Kendall by permission
Joe Kendall DB
Attorney-in-Charge
Texas Bar No. 11260700
3232 McKinney Avenue, Suite 700
Dallas, TX 75204
(214) 744-3000 telephone
(214) 744-3015 facsimile

FISH & RICHARDSON P.C.

Thomas M. Melsheimer
Texas Bar No. 13922550
Matthew E. Yarbrough
Texas Bar No. 00789741
1717 Main Street, Suite 5000
Dallas, TX 75201
(214) 747-5070 telephone
(214) 747-2091 facsimile

OF COUNSEL:

Ruffin B. Cordell
Joseph V. Colaianni, Jr.
Fish & Richardson P.C.
601 Thirteenth Street, NW
Washington, DC 20005
(202) 783-5070 telephone
(202) 783-2331 facsimile

Counsel for Plaintiff
SBC TECHNOLOGY RESOURCES, INC.